

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK (ROCHESTER)**

LINDA LENZI,
Plaintiff,

v.

L.L.BEAN, INC.,
Defendant.

Case No. 6:23-cv-06117-FPG

JUDGE FRANK P. GERACI, JR.

NOTICE OF DEFENDANT L.L.BEAN, INC.'S MOTION TO DISMISS

PLEASE TAKE NOTICE THAT Defendant L.L.Bean, Inc. ("L.L.Bean") requests that the Court grant its Motion to Dismiss for Lack of Subject Matter Jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(1). Specifically, Plaintiff's Complaint is based on an alleged purchase that could not have happened. Plaintiff therefore has not suffered a concrete injury-in-fact, and lacks Article III standing. The case should be dismissed in its entirety.

In support of its motion, Defendant submits the attached memorandum of law, as well as the Declaration of L.L.Bean's Director of Store Operations, Christopher Diagostino, and the Declaration of L.L.Bean's outside counsel, Meegan Brooks.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on March 15, 2023, I caused a true and accurate copy of the foregoing Notice of Motion to be served upon the following via the Court's ECF system:

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